

SENATE BILL 821

By Black

AN ACT to enact the "Human Cloning Prohibition Act of 2005".

WHEREAS, at least one company has announced that it has successfully cloned a human being at the early embryonic stage of life, and others have announced that they will attempt to clone a human being using the technique known as somatic cell nuclear transfer; and

WHEREAS, efforts to create human beings by cloning mark a new and decisive step toward turning human reproduction into a manufacturing process in which human beings are made in laboratories to preordained specifications and, potentially, in multiple copies; and

WHEREAS, creating cloned live-born human children, "cloning to produce children", begins by creating cloned human beings at the embryonic stage of life, a process which some also propose as a way of creating human embryos for destructive research as sources of stem cells and tissues for possible treatment of other humans, "cloning for biomedical research"; and

WHEREAS, many scientists agree that attempts at cloning to produce children pose a massive risk of either producing children who are stillborn, unhealthy, or severely disabled, and that attempts at cloning for biomedical research always result in the destruction of human beings at the embryonic stage of life when their stem cells are harvested; and

WHEREAS, the prospect of creating new human life solely to be exploited ("cloning to produce children") or destroyed ("cloning for biomedical research") in these ways has been condemned on moral grounds by many, as displaying a profound disrespect for life; and

WHEREAS, the distinction between "therapeutic" and "reproductive" cloning is a false distinction scientifically because both begin with the reproduction of a human being at the embryonic stage of life, one destined for implantation in a womb, one destined for destructive

farming of its stem cells. Regardless of its ultimate destiny, all human embryos are simultaneously human beings; and

WHEREAS, it will be nearly impossible to ban only attempts at cloning to produce children if cloning for biomedical research is allowed because (1) cloning would take place within the privacy of a doctor-patient relationship; (2) the implantation of embryos to begin a pregnancy is a simple procedure; and (3) any government effort to prevent the implantation of an existing cloned embryo, or to prevent birth once implantation has occurred would raise substantial moral, legal, and practical issues; and

WHEREAS, based on the above findings, it is the purpose of this act to prohibit the use of cloning technology to initiate the development of new human beings at the embryonic stage of life for any purpose; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act may be known and cited as the "Human Cloning Prohibition Act of 2005".

SECTION 2. For purposes of this act:

(1) "Embryo" means an organism of the species homo sapiens from the single cell stage to eight (8) weeks development;

(2) "Fetus" means an organism of the species homo sapiens from eight (8) weeks development until complete expulsion or extraction from a woman's body, or removal from an artificial womb or other similar environment designed to nurture the development of such organism;

(3) "Human cloning" means human asexual reproduction, accomplished by introducing the genetic material of a human somatic cell into an oocyte (ovum) whose nucleus has been remove or inactivated, to produce a living organism with a human or predominantly human genetic constitution;

(4) "Somatic cell" means a cell having a complete set of chromosomes obtained from a living or deceased human body at any stage of development.

SECTION 3. It shall be unlawful for any person or entity, public or private, to intentionally or knowingly:

- (1) Perform or attempt to perform human cloning;
- (2) Participate in an attempt to perform human cloning;
- (3) Transfer or receive the product of human cloning for any purpose; or
- (4) Transfer or receive, in whole or in part, any oocyte, embryo, fetus, or human somatic cell, for the purpose of human cloning.

SECTION 4. Nothing in this act shall restrict areas of scientific research not specifically prohibited by this act, including in vitro fertilization, the administration of fertility enhancing drugs, research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, tissues, organs, plants or animals other than humans, or cells other than human embryos.

SECTION 5.

(a)

(1) Any person or entity that violates Sections 3(1) or 3(2) of this act shall be guilty of a Class E felony.

(2) Any person or entity that violates Sections 3(3) or 3(4) of this act shall be guilty of a Class A misdemeanor.

(b) Any person or entity that violates any provision of this act and derives a pecuniary gain from such violation shall be fined an amount up to twice the amount of gross gain, in the discretion of the court.

(c) Any violation of this act shall constitute unprofessional conduct pursuant to title 63 chapters 6 or 9 and shall result in permanent revocation of the violator's license to practice medicine.

(d) Any violation of this act may be the basis for:

- (1) denying an application for,
- (2) denying an application for the renewal of, or
- (3) revoking

any license, permit, certificate, or any other form of permission required to practice or engage in a trade, occupation or profession.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2005, the public welfare requiring it.